

J & J SPORTS PRODUCTIONS, INC.,
Plaintiff,

v.

DANILO DUARTE, et al.,
Defendants.

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**CIVIL ACTION
NO. 13-40130-DHH**

September 12, 2014

On February 28, 2014, the Court scheduled this case for a case management conference on June 20, 2014. (Docket #14). On June 12, 2014, the parties filed a Stipulation and Request to Reschedule the case management conference due to a conflict with the trial schedule of Attorney Szumowski, Plaintiff's counsel. (Docket #15). The Court granted the motion to continue and rescheduled the case management conference for June 30, 2014. (Docket #16). On June 20, 2014, Plaintiff filed an emergency motion seeking to reschedule the case management conference due to the unavailability of Attorney Szumowski and Attorney Ramsey, Defendant's counsel. (Docket #17). The Court granted the motion (docket #19), and, on July 21, 2014, rescheduled the case management conference for September 4, 2014 (docket #20).

On September 8, 2014, Plaintiff moved for an order rescheduling the case management conference for 10 a.m. on September 10, 2014, and an award of costs for making the motion. (Docket #21). In the affidavit accompanying the motion, Attorney Szumowski states that counsel for the parties conferred by telephone on August 29, 2014 in anticipation of the case

management conference on September 4, 2014. (Docket #22 at ¶ 3). During this conference, Attorney Szumowski stated her willingness to report to the Court that, in light of Attorney Ramsey's previous unavailability, a September 18, 2014 deadline for outstanding discovery responses would be agreeable. (Id.). She further relates that, on September 4, 2014, she learned from the Court's Clerk that Attorney Ramsey had reported to the Court that he had a conflict with appearing for the case management conference on that date. (Id. at ¶ 4). That same day, Attorney Ramsey telephoned Attorney Szumowski's office to discuss dates and times that were available on the Court's calendar that week. (Id. at ¶ 5). Attorney Ramsey acknowledged that he was to immediately file a motion regarding the rescheduling of the case management conference. (Id.). Attorney Szumowski called Attorney Ramsey on September 5, 2014 and September 8, 2014 to check on the status on the motion but never received a call in return. (Id. at ¶ 6).

The Court granted the motion in part but deferred ruling on the motion as it related to costs. (Docket #23). The case management conference and a hearing on the motion for costs was scheduled for September 10, 2014 at 10:00 a.m. (Docket #24).

On September 10, 2014, after waiting for twenty-three minutes for Attorney Ramsey to appear and after the Courtroom Deputy unsuccessfully attempted to contact him twice by cell phone, the Court called the case. (Docket #25). The Court thereafter issued an order scheduling a further case management conference for September 12, 2014 at 10:30 a.m. which explicitly stated, "Attorney Ramsey is ORDERED to appear in person, and, if he fails to appear, he will face the possibility of sanctions." (Docket #26). The Courtroom Deputy emailed a copy of the order to Attorney Ramsey that day, left him a voicemail, and sent the order to him via mail.

On September 12, 2014, after waiting for seventeen minutes for Attorney Ramsey, the case was called. Attorney Szumowski notified the Court that none of her formal discovery

requests had been responded to. She stated that the Plaintiff was amenable to an extension for outstanding discovery requests until September 18, 2014.

The Court hereby **GRANTS** the Motion to Award Costs (Docket #21). Attorney Szumowski shall submit an affidavit stating her costs and fees in connection with the Emergency Motion to Schedule to Schedule Case Management Conference and for Award of Costs, the case management conference of September 10, 2014, and the case management conference of September 12, 2014 by **September 17, 2014**.

The Court hereby **ORDERS** the following amendments to the scheduling order:

1. Defendants shall respond to all pending discovery requests and fulfill all discovery obligations by **September 19, 2014**.
2. Dispositive motions shall be filed by **November 3, 2014**.
3. Responses to any dispositive motions shall be filed by **November 24, 2014**.
4. A hearing on any dispositive motion shall be held on **December 12, 2014 at 10:00 a.m.**
5. A status conference shall be held on **December 12, 2014 at 10:00 a.m.**
6. A Pre Trial Conference shall be held on **January 16, 2015 at 2:00 p.m.**
7. Trial shall commence on **January 26, 2015**.

/S/ David H. Hennessy
David H. Hennessy
UNITED STATES MAGISTRATE JUDGE